

## REMARKS

The Final Office Action of December 29, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application is respectfully requested in view of the amendments and remarks presented in this response.

Claims 16-36 are pending in this application. The Office Action rejected claims 16-30, 32-34 and 36. Claims 31 and 35 are objected to. In this Amendment and Remarks in response to the Office Action, Applicants have amended claims 16 and 33-36. Support for the amendments may be found in the originally-filed specification, figures, and claims, including but not limited to page 6, lines 31-35; page 9, lines 22-25; page 11, lines 21-11; and Fig. 1. No new matter has been added.

### Allowable Subject Matter

Claims 31 and 35 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank Examiner for allowing the subject matter, however, Applicants respectfully submit that the independent claims from which claims 31 and 35 depend are allowable; thus, claims 31 and 35 should be allowed without requiring them to be rewritten in independent form.

### Interview Summary of February 17, 2010 Telephone Interview

Pursuant to 37 CFR 1.133(b), Applicants' representative wishes to make a complete and proper recordation of the substance of the telephonic interview, which took place on February 17, 2010, of record in lieu of a PTOL-413 form. Applicants' representatives, Aseet Patel (Reg. No. 53,874), Examiner Mendoza, and Examiner Koenig participated on the telephone call. No exhibits or demonstrations were used during the telephone interview.

During the interview, participants discussed the Office Action mailed Dec. 29, 2009. Applicants' representative reviewed with Examiners the teachings of the Gashghai reference and proposed amendments to the claims. Applicants also presented arguments found here in Applicants' response. Examiner Mendoza agreed that the proposed amendments appeared to place the claims in condition for allowance over Gashghai. On an unrelated topic, Examiner

Koenig identified claim 33 and encouraged Applicants to preemptively address any issues the Examiner may later raise with that claim.

Applicants' representatives thanked Examiners for their time and the opportunity to discuss the references and claims with the Office.

### **Claim Rejections Under 35 USC §103**

*Claims 16, 17, 19-30, 32, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack et al. (Patent No. US 7,260,823) in view of Ghashghai et al (Pub No. US 2003/0037333). Hereinafter referenced as Schlack and Ghashghai, respectively.*

The Office Action (p. 2-3), in the “Response to Arguments” section, argues that paragraphs [0199], [0200], and [0203] of Ghashghai “clearly points out establishing and differentiating between viewer actions, i.e., user activated commands, and automatic actions, i.e., video recorder commands.” The Office Action, therefore, concludes that the combination of Schlack and Ghashghai clearly discloses “parsing dynamically … a stream of command signals to determine which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation.” (Office Action, p. 3). Applicants respectfully disagree with the Office Action.

Although Schlack appears to generally teach parsing by way of its “ClickStreamProcessor 1230 [that] will continually poll the ClickEventListener 1220 for the next event” (Schlack, col. 17, lines 9-11), it does not teach “parsing … to determine which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation,” as claimed. The Office Action admits this. (See Office Action, p. 5)(“it is noted that Schlack fails to explicitly disclose determining which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation.”) Nevertheless, the Office Action attempts to fill this vacancy in the teaching of Schlack with the teachings of Ghashghai.

The Office Action points to the teachings in Ghashghai disclosing objects with operation status indicators that designate viewer actions or automatic actions. (See Ghashghai, para. [0199]-[0200]). While it is true that Ghashghai does teach these objects with different designations, it does not teach “parsing … to determine which command signals are associated with a user activated control unit and which command signals are associated with a personal

video recorder operation... [and then] using at least command signals determined to be associated with a user activated control unit and not using those command signals determined to be associated with a personal video recorder operation,” as claimed in claim 16. (emphasis added). In addition, regarding claim 33, Ghashghai does not teach “disregarding those command signals determined to be associated with a personal video recorder operation.” Nowhere in Ghashghai or Schlack (or the combination thereof) is there any disclosure of parsing a stream of command signals and disregarding those signals that are associated with PVR operations. Ghashghai simply teaches collecting all of the objects for post-processing at a central site to create a complete trace of actions taken. (See Ghashghai, para. [0199]-[0200]). Ghashghai does not teach “not using those command signals determined to be associated with a personal video recorder operation,” as in claim 16, or “disregarding those command signals determined to be associated with a personal video recorder operation,” as in claim 33.

In addition, Applicants reiterate their arguments from the “Amendment and Remarks” dated September 10, 2009, which is herein incorporated by reference.

Finally, claims 17, 19-30, 32, and 36 depend from independent claims 16 or 33 and are allowable for at least the same reasons as those claims from which they depend. In addition, claims 17, 19-30, 32, and 36 are allowable for the unique combination of elements they recite. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 17, 19-30, 32, and 36.

*Claims 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of Ghashghai further in view of Williamson et al. (Pub No US 2003/0208767). Hereinfter, referenced as Williamson.*

Claims 18 and 34 depend from independent claims 16 or 33 and are allowable for at least the same reasons as those claims from which they depend. The 35 U.S.C. §103(a) rejection based on Schlack in view of Ghashghai has been overcome, as described hereinabove, and there is no arguments put forth in the Office Action that the additional reference supplies that which is missing from Schalck in view of Ghashghai to render the independent claims obvious. Moreover, claims 18 and 34 are allowable for the unique combination of elements they recite. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 18 and 34.

## CONCLUSION

In view of the above amendments and remarks, reconsideration of all pending claims in the application is respectfully requested. All rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance and respectfully request prompt notification of the same.

The Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 for any fees due in connection with the filing of this response. If the Examiner should have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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